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07-12-04

167  
2631876

PATENT  
00337

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Stefanik. )

Serial No.: 09/751,468 )

Filing Date: December 29, 2000 )

Abandonment Contact:

Tom Hawkins

Art Unit: 2636

RECEIVED

JUL 15 2004

Title: REMOTE CONTROL DEVICE WITH ILLUMINATION

Technology Center 2600

**PETITION TO WITHDRAW HOLDING OF  
ABANDONMENT UNDER 37 C.F.R. 1.181(a)**

Pittsburgh, Pennsylvania 15222

March 16, 2004

Mail Stop Petition  
Commissioner for Patents  
Box 1450  
Alexandria, VA 22313-1450

Sir:

This petition is in response to the *Notice of Abandonment* mailed February 27, 2004 (copy enclosed) in connection with the above-identified application. For the reasons set forth hereinbelow, Applicant respectfully submits that this application is not in fact abandoned and respectfully requests withdrawal of the holding of abandonment. Applicant further submits that this petition does not require a fee.

"Express Mail" mailing label number ER524416386US

Date of Deposit March 16, 2004

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

The *Notice of Abandonment* states that the application was abandoned due to "Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the [supplemental] Notice of Allowability (PTOL-37)" and because "No corrected drawings have been received."

As discussed below, however, Applicant had previously mailed corrected drawings in response to an Office requirement therefor. The corrected drawings complied with § 1.84 and were accepted by the Office at the time the application was allowed as evidenced by the *Notice of Allowability* mailed by the Office on August 25, 2003. Accordingly, Applicant submits that because the requirement for corrected drawings in the Supplemental Notice of Allowability had previously been met to the Office's satisfaction, payment of the issue fee on November 19, 2003 without the re-submission of corrected drawings constituted a reply sufficient to avoid abandonment of the application.

Applicant respectfully requests that the Office's attention be directed to the following listing of documents relating to the above-captioned application and referenced in connection with a statement of the facts provided thereafter:

- 1a. Copy of postcard receipt verifying receipt of transmittal of formal drawings by the Office on January 18, 2002;
- 1b. Copy of transmittal of formal drawings;
2. Copy of *Office Action Summary* mailed by the Office on April 11, 2003;
3. Copy of *Amendment and Response to Office Action* ("Response") mailed by the Applicant to the Office on June 10, 2003;
4. Copy of *Notice of Allowability* and *Notice of Allowance* mailed by the Office on August 25, 2003;
5. Copy of *Supplemental Notice of Allowability*, mailed by the Office on October 20, 2003;
- 6a. Copy of transmittal of payment of issue fee;
- 6b. Copy of PTO Form 85B;

- 6c. Copy of check stub from Check No. 1004240; and
- 6d. Copy of Express Mail Receipt (No. ER524412375US) stamped Nov. 19, 2003, verifying mailing of the issue fee to the Office.

As indicated on the postcard receipt (1a), the Office acknowledged receipt on January 18, 2003 of five sheets of formal drawings (1b) mailed by the Applicant. In the *Office Action Summary* (2) of April 11, 2003, the Examiner stated at page two, paragraph 1 that “[t]he drawings are objected to under 37 C.F.R. 1.83(a)” and that “the extending projection must be shown or the feature(s) canceled from the claim(s).” The Examiner further stated that “[a] proposed drawing correction *or corrected drawings* are required in reply to the Office Action to avoid abandonment of the application.” (emphasis added).

In Applicant’s *Response* (3) of June 10, 2003, Applicant’s representative stated: “Applicant has herein amended Figure 1 to show the extending projection.” A copy of the corrected drawing satisfying the requirements of § 1.84 accompanied the *Response* (3). The drawing as amended thus constituted a *corrected drawing* responsive to the Examiner’s objection, and *not* merely a proposed drawing correction. This position is supported by the *Notice of Allowability* (4) mailed August 25, 2003, in which the Office indicated that “[t]he drawings filed on 10 June 2003 are accepted by the Examiner.”

Under 37 C.F.R. § 1.85(c),

[i]f a corrected drawing is required or if a drawing does not comply with § 1.84 at the time an application is allowed, the Office may notify the applicant and set a three month period of time from the mail date of the notice of allowability within which the applicant must file a corrected or formal drawing in compliance with § 1.84 to avoid abandonment.

The requirement in the *Supplemental Notice of Allowability* (5) for corrected drawings “including changes required by the proposed drawing correction filed [June 10, 2003], which has

been approved by the Examiner" is not supported by § 1.85(c) because (1) the drawing that accompanied the June 10, 2003 Response was a **corrected drawing** that complied with § 1.84 and not merely a proposed drawing correction, and (2) the Office accepted the corrected drawing at the time of allowance. Accordingly, Applicant submits that because the corrected drawing had in fact already been mailed to and accepted by the Office, payment of the issue fee (6a-d) on November 19, 2003 without the re-submission of corrected drawings constituted a reply sufficient to avoid abandonment of the application.



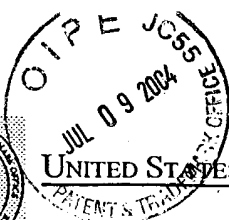
Respectfully submitted,

A handwritten signature in cursive script that reads "Daniel R. Miller". The signature is written over a horizontal line.

Daniel R. Miller  
Reg. No. 52,030

KIRKPATRICK & LOCKHART LLP  
Henry W. Oliver Building  
535 Smithfield Street  
Pittsburgh, Pennsylvania 15222

Telephone (412) 355-6773  
Facsimile (412) 355-6501  
E-Mail: daniel.miller@kl.com



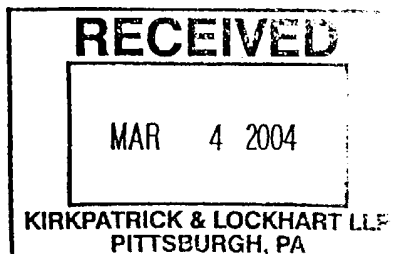
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UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
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P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/751,468	12/29/2000	John R. Stefanik	00337	7168

7590 02/27/2004

Jonathan C. Parks  
Kirkpatrick & Lockhart LLP  
535 Smithfield Street  
Henry W. Oliver Building  
Pittsburgh, PA 15222-2312



EXAMINER

PREVIL, DANIEL

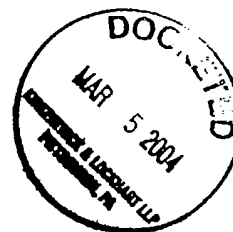
ART UNIT PAPER NUMBER

2636

DATE MAILED: 02/27/2004

25

Please find below and/or attached an Office communication concerning this application or proceeding.





UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER 09/751,468	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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EXAMINER
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ART UNIT	PAPER NUMBER 25
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NOTICE OF ABANDONMENT

DATE MAILED:

ABANDONMENT

CONTACT PERSON IS:

TOM HAWKINS

305-8380

This application is abandoned in view of:

- ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on \_\_\_\_\_
- ☐ A reply (with Certificate of Mailing or Transmission of \_\_\_\_\_) was received on \_\_\_\_\_ which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
- ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
- ☐ A reply was received on \_\_\_\_\_, but it does not constitute a proper reply, or a *bona fide* attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in the last box below).
- ☐ No reply has been received.
- ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
- ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85)(or Notice of Publication Fee Due).
- ☐ The submitted fee of \$ \_\_\_\_\_ is insufficient. A balance of \$ \_\_\_\_\_ is due.  
The issue fee by 37 CFR 1.18 is \$ \_\_\_\_\_. The publication fee, if required, by 37 CFR 1.18(d) is \$ \_\_\_\_\_.
- ☐ The issue fee and publication fee, if applicable, have not been received.
- ☒ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTOL-37).
- ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
- ☒ No corrected drawings have been received.
- ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all the applicants.
- ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon filing of a continuing application.
- ☐ The decision by the Board of Patent Appeals and Interferences rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
- ☐ The reason(s) below: \_\_\_\_\_

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

**Respond to the Notice of Abandonment by one of the following:**

**Petition To Withdraw Holding of Abandonment (See MPEP 711.03(c) I) and 37 CFR § 1.181) No fee required**

Where an applicant contends that the application is not in fact abandoned (e.g., there is disagreement as to the sufficiency of the reply, or as to controlling dates), a petition under 37 CFR § 1.181(a) requesting withdrawal of the holding of abandonment is the appropriate course of action. Any petition under 37 CFR § 1.181, to withdraw the holding of abandonment not filed within 2 months of the mail date of a Notice of Abandonment may be dismissed as untimely under 37 CFR § 1.181(f). In order for a petition to be granted, the evidence must be sufficient according to one of the following standards:

- 37 CFR § 1.8(b) Certificate of Mailing
- 37 CFR § 1.10 "Express Mail" mailing
- MPEP 503 Postcard Receipt as Prima Facie Evidence

Petition To Withdraw Holding Of Abandonment should be addressed as follows:

By mail: Commissioner For Patents, P.O. Box 1450, Mail Stop: Issue Fee, Alexandria, VA 22313-1450

By facsimile: 703-305-8755 or 703-305-4372

**Petition To Withdraw Holding Of Abandonment Based On Failure To Receive Office Action (See MPEP 711.03(c) II). No fee required**

Where an applicant contends that the original Notice of Allowance and Issue Fee Due was never received. If adequately supported, the Office may grant the petition and remail the Office action. The showing required establishing non-receipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the nonreceived Office would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

Petition should be addressed to the Technology Center handling the application as follows:

By mail: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450  
(Mark attention of a particular office or individual)

By facsimile: Technology Center numbers posted at <http://www.uspto.gov/september1/faxnotice.htm>

**Petition To Revive An Abandoned Application (See MPEP 711.03(c) III)**

Where there is no dispute as to whether an application is abandoned (e.g. the applicant's contentions merely involve the cause of abandonment) a petition under 37 CFR § 1.137 (a) unavoidable or (b) unintentionally (accompanied by the appropriate petition fee) is necessary to revive the abandoned application.

Petitions under 37 CFR § 1.137 should be addressed to the Office of Petitions as follows:

By mail: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450

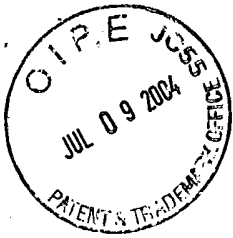
By hand: Crystal Plaza 4, Rm. 3C23, 2201 Clark Place, Arlington, VA

By facsimile: 703-308-6916

Petition For Revival Of An Application For Patent Abandoned Unavoidably Under 37 CFR § 1.137(a) and Unintentionally Under 37 CFR 1.137(b), forms available at USPTO website – <http://www.uspto.gov>

Note: Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment.

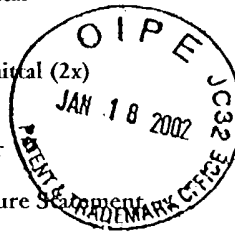




S.N. 09/754,468 Docket No. 00337  
Title: Remote Control Device  
w/ Illumination

The PTO acknowledges, and has stamped hereon,  
the date of receipt of the below items, which were  
mailed 1-18-02:

- ☐ New Pat. Appl. Tran.  
(Utility, Design, CPA, RCE, PROV.)
- ☒ Fee Transmittal (2x)
- ☒ Transmittal Letter - Form Dues.
- ☐ PCT Request and fee calc. sheet
- ☐ PCT Chapter 2 Demand
- ☐ Specification
- ☐ 5 sheets of informal drawings
- ☒ 5 sheets of formal drawings
- ☐ Maint. Fee Transmittal
- ☐ Oath/App. of Agent
- ☐ Assignment
- ☐ Amendment Transmittal (2x)
- ☐ Amendment
- ☐ 3.73 Statement
- ☐ Terminal Disclaimer
- ☐ Declaration(s)
- ☐ Information Disclosure Statement
- ☐ Form PTO 1449
- ☐ References
- ☐ Priority document
- ☐ Foreign Draft Check
- ☐ Issue Fee
- ☐ PTO Forms 85(b)
- ☐ Fee Indication Sheet
- ☐ check



JEP: h

Express Mail



PATENT  
00337

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit: 2877

Examiner: :

In re application of: : REMOTE CONTROL DEVICE WITH  
ILLUMINATION

Stefanik :

Serial No.: 09/751,468 :

Filed: December 29, 2000 :

TRANSMITTAL OF FORMAL DRAWINGS

Pittsburgh, Pennsylvania 15222

January 18, 2002

Commissioner for Patents

Washington, DC 20231

Sir:

Enclosed please find formal drawings for above-mentioned application. If the undersigned can be of any assistance to the Examiner, please contact the

---

"Express Mail" mailing label number EU150761245US

Date of Deposit January 18, 2002

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner for Patents,  
Washington, DC  
20231



undersigned at the number set forth below.

Respectfully submitted,

Jonathan C. Parks  
Registration No. 40,120

Attorney for Applicants

KIRKPATRICK & LOCKHART LLP  
Henry W. Oliver Building  
535 Smithfield Street  
Pittsburgh, Pennsylvania 15222

Telephone: (412) 355-6288  
Fax No.: (412) 355-6501



FIG. 1

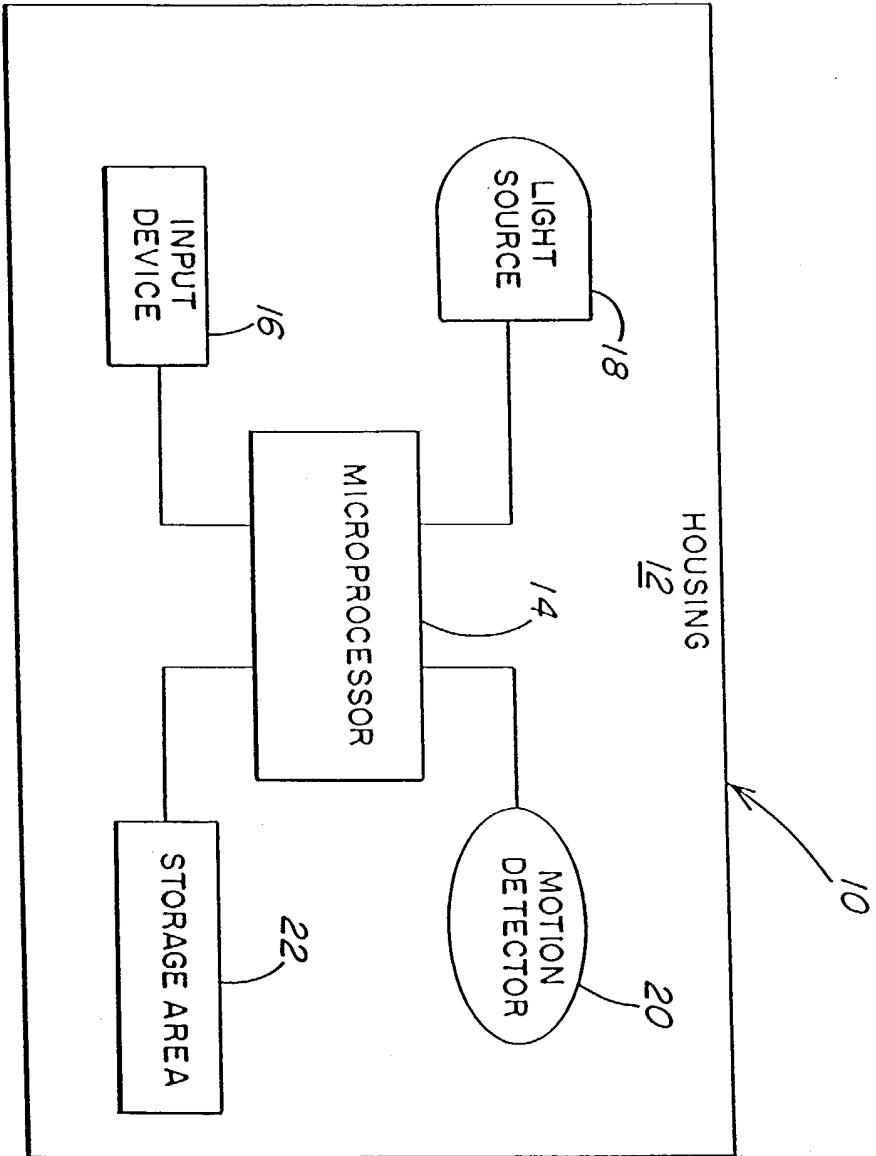




FIG. 2

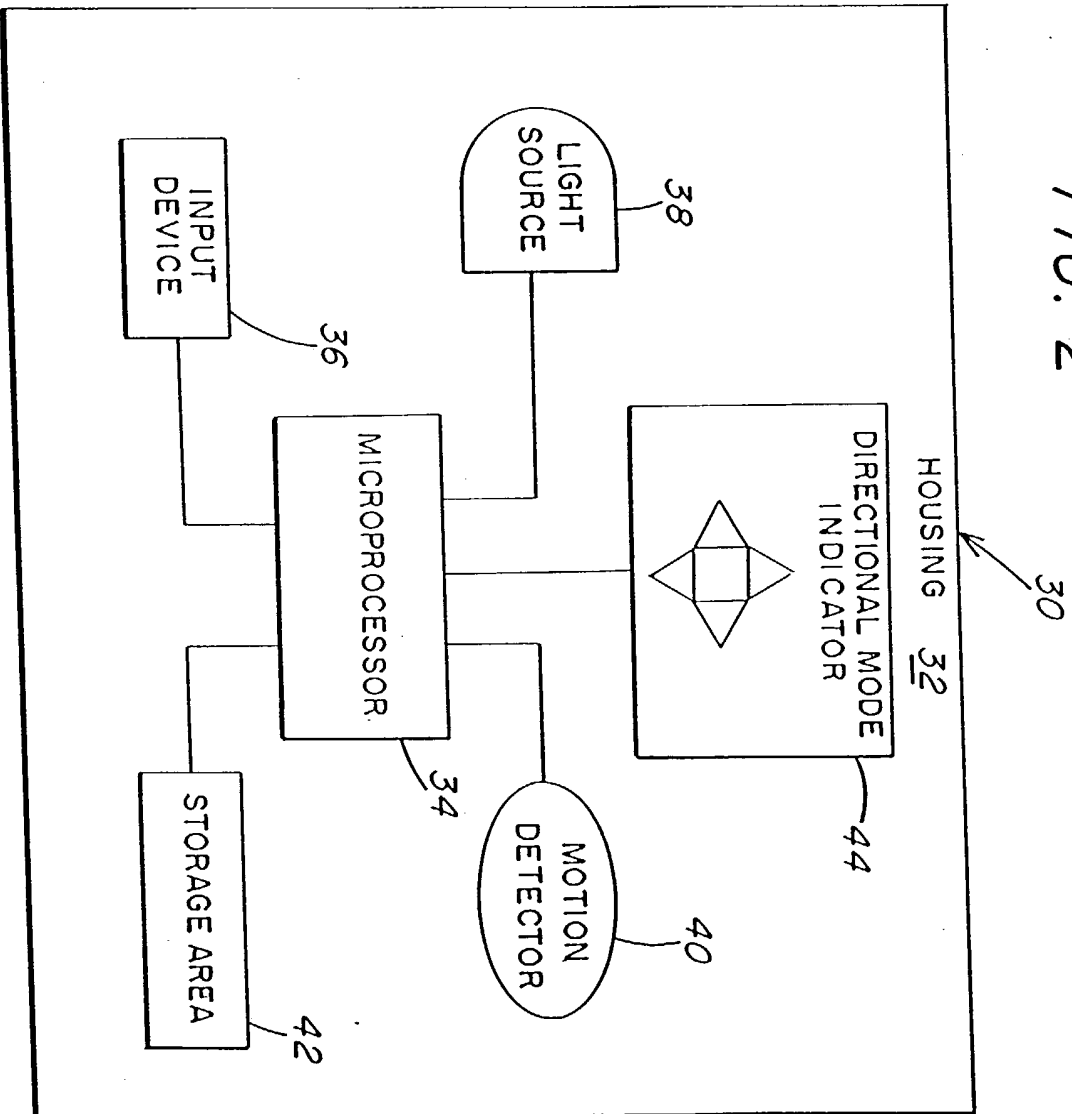


FIG. 3

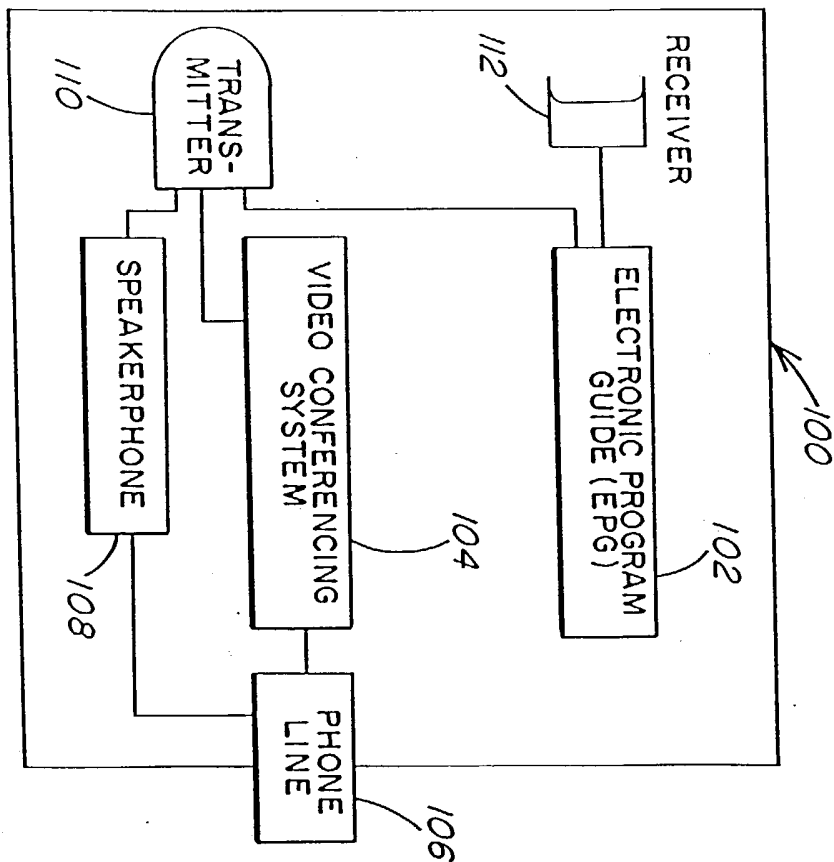
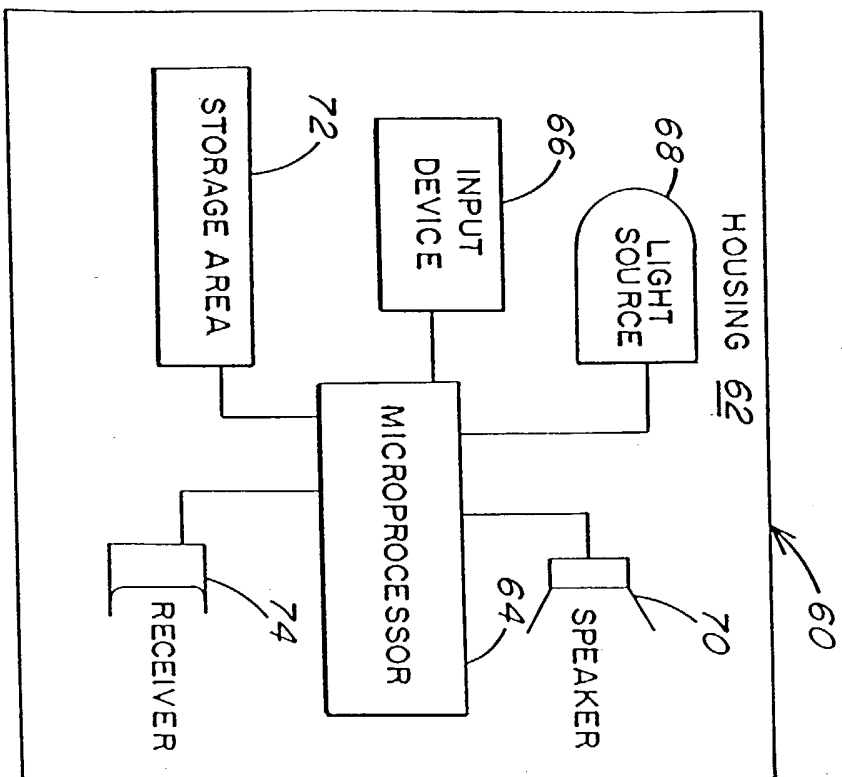


FIG. 4

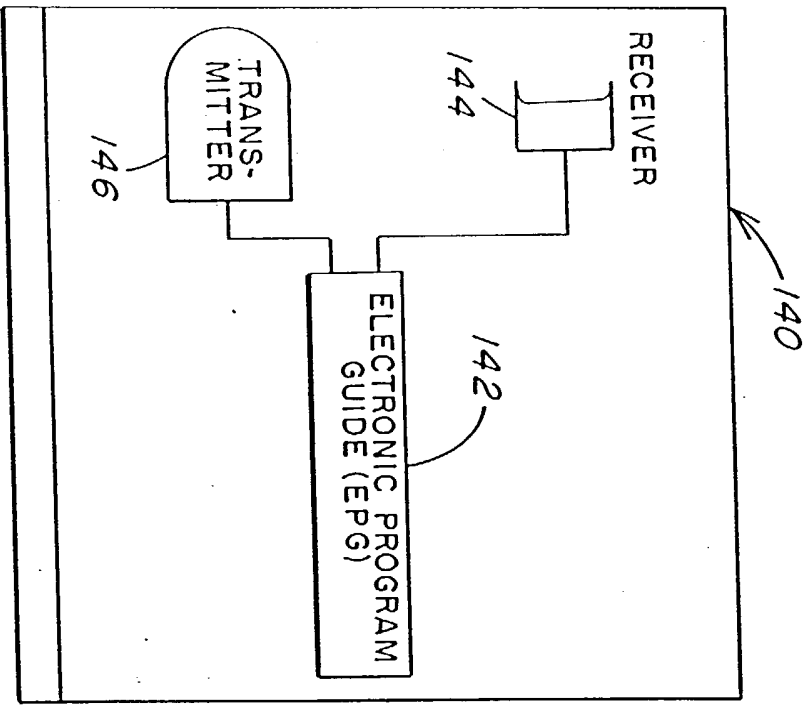
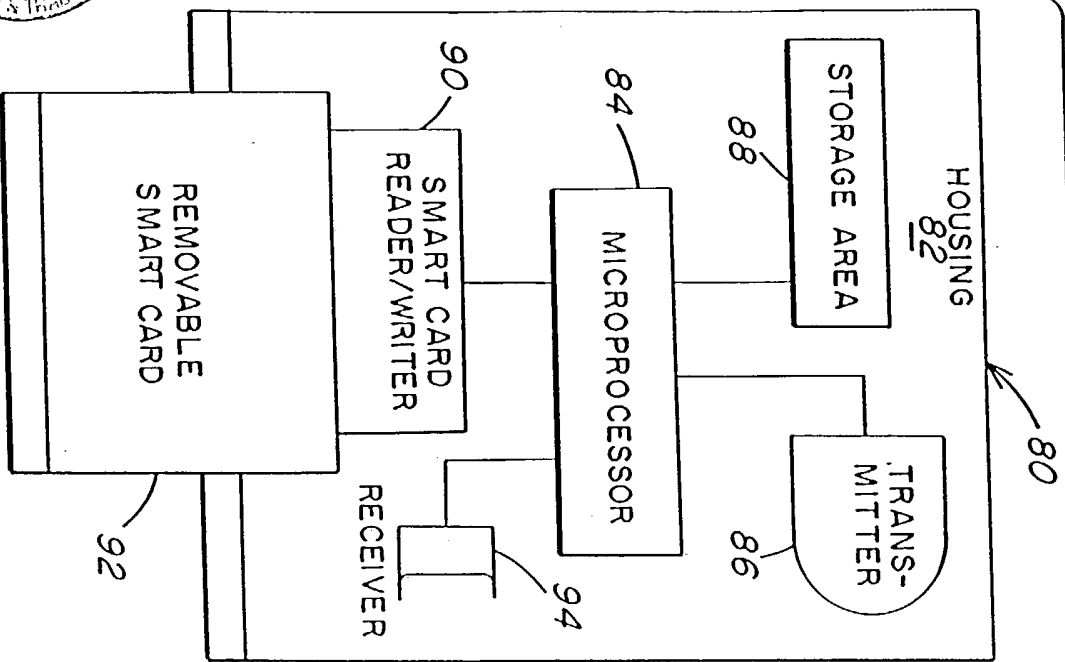
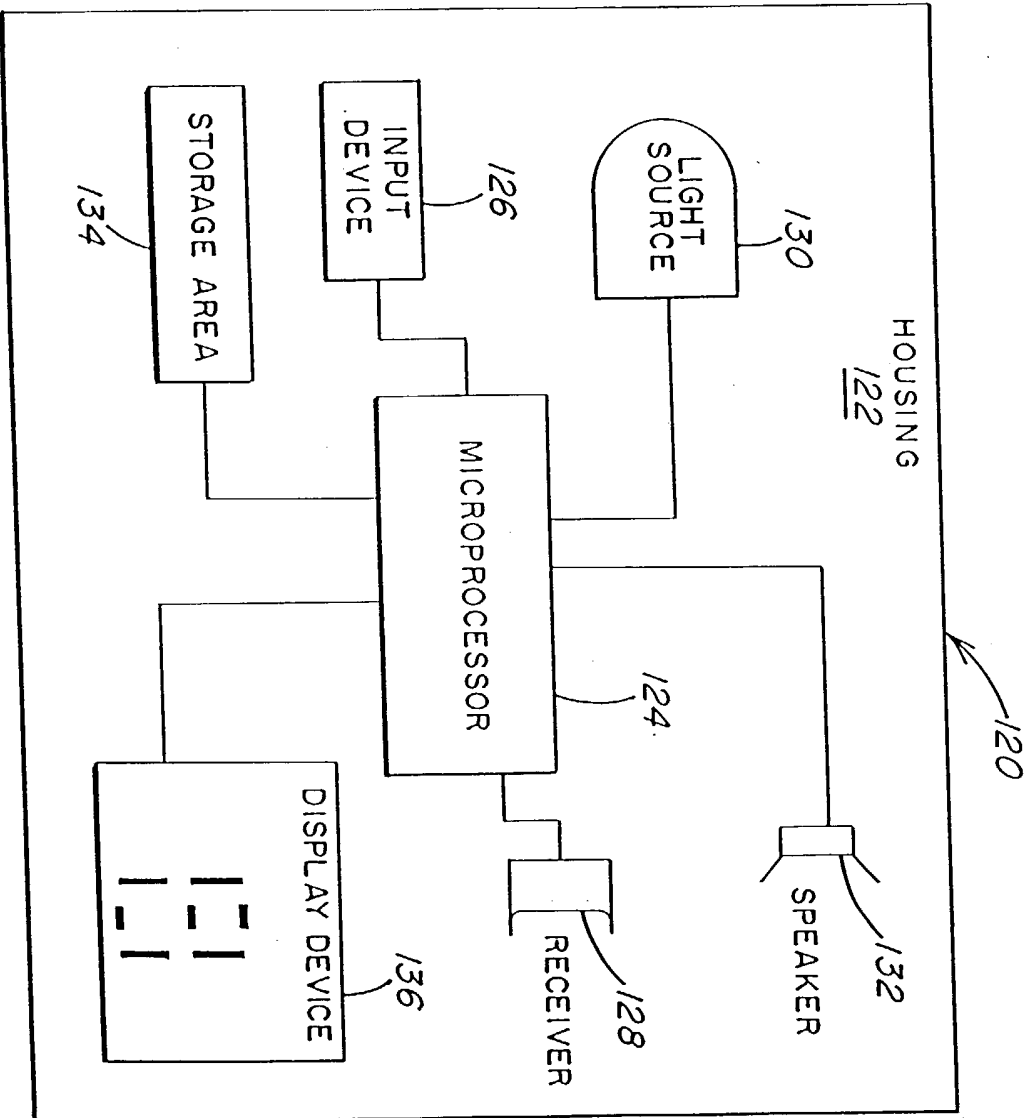




FIG. 5







UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/751,468

12/29/2000

John R. Stefanik

00337

7168

7590

04/11/2003

Jonathan C. Parks  
Kirkpatrick & Lockhart LLP  
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Henry W. Oliver Building  
Pittsburgh, PA 15222-2312

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APR 14 2003

KIRKPATRICK & LOCKHART LLP

EXAMINER

PREVIL, DANIEL

ART UNIT

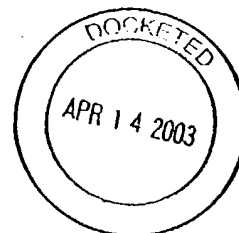
PAPER NUMBER

2632

DATE MAILED: 04/11/2003

20

Please find below and/or attached an Office communication concerning this application or proceeding.



# Office Action Summary

Application No.

09/751,468

Applicant(s)

STEFANIK, JOHN R.

Examiner

Daniel Previl

Art Unit

2632

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 26 March 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

This action is responsive to communication filed on March 26, 2003.

#### *Drawings*

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the extending projection must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

#### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4, 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Darbee et al. (US 6,002,450) in view of Park (US 5,705,997).

Art Unit: 2632

Regarding claim 1, Darbee teaches a housing 10 (fig. 1); a processor located in the housing (microcontroller 28 located in the housing 10) (fig. 2, ref. 28) ; at least one input device in communication with the processor (keyboard 38 connected to the microprocessor 28) (fig. 2, ref. 28, 38; col. 5, lines 7-8); wherein the motion detector communicates to the processor upon detection of motion of the device (a motion detector determines if the user picked up the remote control) (fig. 2; col. 3, lines 33-38; col. 8, lines 9-11).

Darbee teaches every feature of the claimed invention but fails to explicitly disclose a light source attached to an extending projection, wherein the extending projection is attached to a top side of the housing wherein the light source is in communication with the processor wherein the light source is one of an incandescent light and a light emitting diode; wherein the processor effects the light source to be lit upon receipt of the signal and wherein the light source shines down upon the input device when the light source is lit.

However, Park teaches a light source 62 attached to an extending projection (extending projection is inherently included in the lamp 62) wherein the extending projection is attached to a top side of the housing 100 (fig. 2), wherein the light source 62 is in communication with the processor (control section 40) (col. 4, lines 40-45), wherein the light source 62 is one of an incandescent light and a light emitting diode (col. 4, lines 43-46); wherein the processor effects the light source to be lit upon receipt of the signal (when any function key 72 is

pressed, control section 40 lights lamps 62 for indicating the position of the remote control device 100) (col. 4, lines 13-48); and wherein the light source shines down upon the input device when the light source is lit (key illuminating section 70 has small lamps installed under function keys 72 to be illuminated) (col. 5, lines 3-10).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Park in Darbee. Doing so would provide efficiently a self-illumination device when any function key is touched by which the remote control can be easily found and operated even in the dark. So, users can distinguish function keys to easily control the system, which is inexpensive and fully convenient.

Regarding claim 2, Darbee teaches an input device which is a keyboard (col. 5, lines 7-8).

Regarding claim 3, Darbee teaches the motion detector is selected from the group consisting of a gravity-based switch, a mercury switch, and an electronic component based switch (vibrating mechanism for producing tactile sensations from the remote control) (col. 8, lines 48-52).

Regarding claim 4, Darbee discloses a storage area (EEPROM 36) in communication with the microcontroller 28 (fig. 2).

Regarding claim 12, the above combination discloses all the limitations in claim 1 and Park further discloses the step of disabling the lighting of the light

source (turning off plurality of indicating lamps) (col. 10, lines 7-10). Same motivation as claim 1.

### ***Response to Arguments***

4. Applicant's arguments with respect to claims 1-4, 12, have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Darbee et al. (US 6,278,499) discloses a two-way remote control with advertising display.

Art Unit: 2632

Feinleib et al. (US 6,346,891) discloses a remote control system with handling sensor in remote control device.

Darbee et al. (US 6,130,726) discloses a program guide on a remote control display.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Previl whose telephone number is 305-1028.

The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel WU can be reached on 703 308 6730. The fax phone numbers for the organization where this application or proceeding is assigned are 703 872-9315 for regular communications and 703 872-9314 for After Final communications.

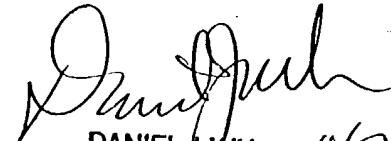
Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 305-4700.

Application/Control Number: 09/751,468  
Art Unit: 2632

Page 7

Daniel Previl  
Examiner  
Art Unit 2632

DP  
March 31, 2003

  
DANIEL J. WU  
PRIMARY EXAMINER 4/7/03



# **Notice of References Cited**

Application/Control No.

09/751,468

Applicant(s)/Patent Under

Reexamination

STEFANIK, JOHN R.

Examiner

Daniel Previl

Art Unit

2632

Page 1 of 1

## **U.S. PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-5705997	01-1998	Park	340/825.09
	B	US-			
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

## **FOREIGN PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

## **NON-PATENT DOCUMENTS**

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

PTO-1449  U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE  INFORMATION DISCLOSURE STATEMENT BY APPLICANT  (Use several sheets if necessary)	Att'y. Docket No. 00337	Serial No. 09/751,468  <b>RECEIVED</b> JAN 14 2002 Technology Center 2600
	Applicant Stefanik	
Filing Date 12/29/00	Group 2632	

## U. S. PATENT DOCUMENTS

Examiner Initial	Document Number	Issue Date	Patentee	Class	Sub-Class	Filing Date

## FOREIGN PATENT OR PUBLISHED FOREIGN PATENT APPLICATION

Examiner Initial	Document Number	Public Date	Country or Patent Office	Class	Sub-Class	Transl Y N

## OTHER DOCUMENTS

(Including Author, Title, Date, Relevant Pages, Place of Publication)

DP		"Phillips Pronto Remote Control," printed from <a href="http://www.remotecentral.com/pronto/index1.htm">http://www.remotecentral.com/pronto/index1.htm</a> , on 5/26/00
DP		"RTI Theater Touch T2," printed from <a href="http://www.remotecentral.com/touch/index2.htm">http://www.remotecentral.com/touch/index2.htm</a> , on 5/22/00
DP		"Special Report," printed from <a href="http://www.remotecentral.com/ces2000/xantech.htm">http://www.remotecentral.com/ces2000/xantech.htm</a> , on 5/23/00
Examiner 	Date Considered 3-31-03	

EXAMINER: Initial citation considered. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Rev. 12/92



PATENT  
00337

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:  
Stefanik

Group Art Unit: 2632

Examiner: Previl, D.

Serial No. 09/751,468

Filed: December 29, 2000

REMOTE CONTROL DEVICE WITH  
ILLUMINATION

RECEIVED

JUL 15 2004

Technology Center 2600

AMENDMENT AND RESPONSE TO OFFICE ACTION

Pittsburgh, Pennsylvania 15222

June 10, 2003

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action mailed April 11, 2003, Applicant responds as follows:

"Express Mail" mailing label number

EU990149395US

Date of Deposit June 10, 2003

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner for Patents,  
P.O. Box 1450, Alexandria, VA 22313-1450

## SPECIFICATION AMENDMENTS

Please amend the paragraph at Page 6, line 7 through Page 7, line 6 as follows:

When the motion detector 20 detects movement, the motion detector 20 transmits a signal to the microprocessor 14 indicating the movement. The motion detector 20 is connected to a microprocessor 14 and detects movement of the device 10. The microprocessor 14, in turn, after retrieving instructions from the data storage area 22, sends a signal to the light source 18. Upon receipt of the message, the light source 18 illuminates all or a portion of the input device 16 so that the input device 16 may be more readily seen in dark environments. According to one embodiment, a portion or all of the input device 16 may be backlit by the light source 18. Alternatively, in another embodiment, the light source 18 may shine down upon the input device 16 from an extending projection 19 or projections of the housing 12 to illuminate the input device 16. The light sources 18 may thus be a single light that lights the input device 16 or may be, for example, a grid of lights, with each light corresponding to, for example, a button on the input device 16. In another embodiment, a portion of the device 10 not used for input such as, for example, a border around the top side of the device 10, may be backlit by the light source 18, thus shedding light on the input device 16. Optionally, after a pre-set period of time (e.g., five to ten seconds) without the remote control device 10 moving or without any input from the input device 16, one embodiment of the present invention may have the microprocessor 14 send a signal to the light source 18 to cease the illumination of the input device 16. In addition, according to another embodiment, the remote control device 10 may have a button or some other physical means of input that activates the illumination of the input device 16 so the user is not limited to moving the remote control device 10 to trigger illumination. Further, in another embodiment of the present invention, the automatic illumination due to movement feature of the

remote control device 10 may be turned off with, for example, a user-controllable switch to save battery life.

### CLAIM AMENDMENTS

Claim 1 (Previously Amended): A remote control device, comprising:

a housing;

a processor located in the housing;

a motion detector in communication with the processor;

at least one input device in communication with the processor; and

a light source attached to an extending projection, wherein the extending projection is attached to a top side of the housing, wherein the light source is in communication with the processor, wherein the light source is one of an incandescent light and a light emitting diode, wherein the motion detector communicates a signal to the processor upon detection of motion of the device, wherein the processor effects the light source to be lit upon receipt of the signal, and wherein the light source shines down upon the input device when the light source is lit.

Claim 2 (Original): The device of claim 1, wherein the input device is selected from the group consisting of a touch screen, a keypad, a stylus, a joystick, a keyboard, a mouse, and an LCD screen.

Claim 3 (Original): The device of claim 1, wherein the motion detector is selected from the group consisting of a gravity-based switch, a mercury switch, and an electronic component-based switch.

Claim 4 (Original): The device of claim 1, further comprising a storage area in communication with the processor.

Claims 5-11 (Cancelled)

Claim 12 (Previously Added): The remote control device of claim 1, further comprising a user-controllable switch in communication with the light source for disabling the lighting of the light source.

## REMARKS

### Drawings

In the Office Action, the Drawings were objected to under 37 C.F.R. § 1.83(a) as not showing every feature of the invention specified in the claims. In particular, the Examiner stated that "the extending projection must be shown or the feature(s) canceled from the claim(s)."

Applicant has herein amended Figure 1 to show the extending projection. Support for such amendment can be found in the Specification and Claims as filed and, for example, at Page 6, lines 14-16 of the Specification. Thus, Applicant submits that no new matter has been added.

### Specification

Applicant has herein amended the paragraph of the Specification that appears at Page 6, line 7 through Page 7, line 6 to include a reference number for the extending projection that was added to Figure 1. Applicant submits that no new matter has been added.

### Claim Rejections

In the Office Action, claims 1-4 and 12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,002,450 to Darbee et al. ("Darbee") in view of U.S. Patent No. 5,705,997 to Park ("Park"). Applicant submits that no new matter has been added.

Applicant traverses the rejections as follows.

Applicant submits that neither Darbee nor Park, either alone or combination, teach or suggest all of the elements of independent claim 1. As stated in the Office Action, Darbee does not "disclose a light source attached to an extending projection, wherein the extending projection is attached to a top side of the housing." See Office Action, Page 3. Applicant submits that



Park, likewise, does not teach or suggest, among other things, “a light source attached to an extending projection, wherein the extending projection is attached to a top side of the housing...and wherein the light source shines down upon the input device when the light source is lit” as claimed in claim 1.

In the Office Action, the Examiner stated that “Park teaches a light source 62 attached to an extending projection (extending projection is inherently included in the lamp 62) wherein the extending projection is attached to a top side of the housing 100 (fig. 2).” *See Id.* Applicant submits that the light source 62 of Park is not attached to an extending projection that is attached to a top side of the housing. Rather, the lamps 62 are “installed on the front surface of remote control device 100.” *See Park*, col. 3, lines 59-60; Fig. 2.

Applicant reminds the Office that, in order to sustain a rejection, “[t]he identical invention must be shown in as complete detail as contained in the ...claim.” MPEP § 2131 (citation omitted). If the Office relies on an inherency of an element, “the examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the prior art.” MPEP § 2112. Applicant submits that the Office has not shown such a basis in fact and/or technical reasoning as to why the flush-mounted lamps 62 of Park would inherently include “an extending projection, wherein the extending projection is attached to a top side of the housing [such that] the light source shines down upon the input device when the light source is lit” as claimed in claim 1. Applicant submits that the Office has not identified such basis in fact and/or technical reasoning because none exists.

Applicant further submits that the Office has relied on inconsistent reasoning in fashioning the rejections based on Park. On Page 3 of the Office Action, the Office identifies the

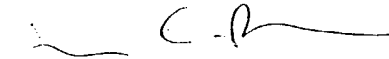
light source of claim 1 as the lamps 62 of Park. On Page 4 of the Office Action, the Office identifies the light source as being the "key illuminating section 70 has small lamps installed under function keys 72 to be illuminated." Claim 1 of the instant application includes only one light source. Furthermore, assuming for sake of argument and not by way of admission that the "small lamps installed under function keys 72" are equated with the light source, the lamps are installed under the function keys, and thus such a light source does not and can not "shine[] down upon the input device when the light source is lit" as claimed in claim 1.

Therefore, Applicant submits that neither Darbee nor Park, either alone or in combination, teach or suggest every limitation of claim 1 and, thus, Applicant submits that the Office has not made a *prima facie case* of obviousness and that claim 1, and claims 2-4 and 12 which depend therefrom, are patentable.

CONCLUSION

Applicant respectfully requests a Notice of Allowance for the pending claims in the present application. If the Examiner is of the opinion that the present application is in condition for disposition other than allowance, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below in order that the Examiner's concerns may be expeditiously addressed.

Respectfully submitted,



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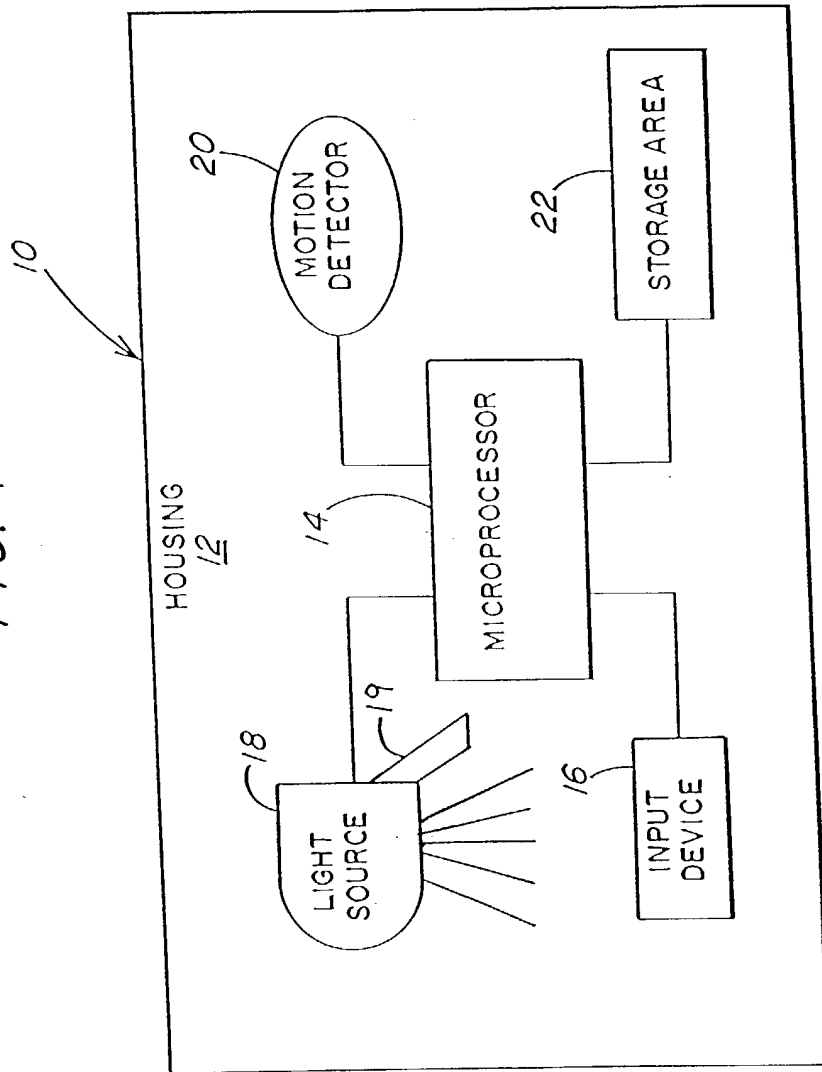
Jonathan C. Parks  
Reg. No. 40,120

Attorney for Applicant

KIRKPATRICK & LOCKHART LLP  
Henry W. Oliver Building  
535 Smithfield Street  
Pittsburgh, PA 15222  
Tel. (412) 355-6288  
Fax (412) 355-6501



FIG. 1



# Notice of Allowability

Application No.

09/751,468

Examiner

Daniel Previl

Applicant(s)

STEFANIK, JOHN R.

Art Unit

2636

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address—

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 6-13-2003.
2. ☒ The allowed claim(s) is/are 1-4, 12 renumbered as 1-5 respectively.
3. ☒ The drawings filed on 10 June 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of the:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
(a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

8. ☐ CORRECTED DRAWINGS must be submitted.

(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

1) ☐ hereto or 2) ☐ to Paper No. \_\_\_\_\_.

(b) ☐ including changes required by the proposed drawing correction filed \_\_\_\_\_, which has been approved by the Examiner.

(c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet.

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

- 1 ☐ Notice of References Cited (PTO-892)
- 3 ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 5 ☒ Information Disclosure Statements (PTO-1449), Paper No. 22.
- 7 ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

2 ☐ Notice of Informal Patent Application (PTO-152)

4 ☐ Interview Summary (PTO-413), Paper No. \_\_\_\_\_.

6 ☐ Examiner's Amendment/Comment

8 ☐ Examiner's Statement of Reasons for Allowance

9 ☐ Other

JEFFERY HOFSSASS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600



# UNITED STATES PATENT AND TRADEMARK OFFICE

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## NOTICE OF ALLOWANCE AND FEE(S) DUE

7590

08/25/2003

Jonathan C. Parks  
Kirkpatrick & Lockhart LLP  
535 Smithfield Street  
Henry W. Oliver Building  
Pittsburgh, PA 15222-2312

EXAMINER

PREVIL, DANIEL

ART UNIT

CLASS-SUBCLASS

2636

340-571000

DATE MAILED: 08/25/2003

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/751,468	12/29/2000	John R. Stefanik	00337	7168

TITLE OF INVENTION: REMOTE CONTROL DEVICE WITH ILLUMINATION

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1300	\$300	\$1600	11/25/2003

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS** FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

### HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status is changed, pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above and notify the United States Patent and Trademark Office of the change in status, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check the box below and enclose the PUBLICATION FEE and 1/2 the ISSUE FEE shown above.

☐ Applicant claims SMALL ENTITY status.  
See 37 CFR 1.27.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER:** Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/751,468

12/29/2000

John R. Stefanik

00337

7168

7590

08/25/2003

Jonathan C. Parks  
Kirkpatrick & Lockhart LLP  
535 Smithfield Street  
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KIRKPATRICK & LOCKHART LLP

EXAMINER

PREVIL, DANIEL

ART UNIT

PAPER NUMBER

2636

DATE MAILED: 08/25/2003

## Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 251 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 251 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) system (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (703) 305-1383. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/751,468

12/29/2000

John R. Stefanik

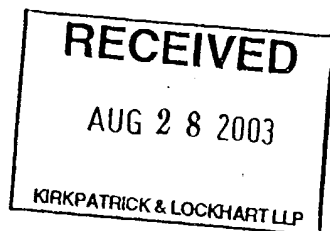
00337

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08/25/2003

Jonathan C. Parks  
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Henry W. Oliver Building  
Pittsburgh, PA 15222-2312



EXAMINER

PREVIL, DANIEL

ART UNIT

PAPER NUMBER

2636

DATE MAILED: 08/25/2003

## Notice of Fee Increase on October 1, 2003

If a reply to a "Notice of Allowance and Fee(s) Due" is filed in the Office on or after October 1, 2003, then the amount due will be higher than that set forth in the "Notice of Allowance and Fee(s) Due" since there will be an increase in fees effective on October 1, 2003. See Revision of Patent Fees for Fiscal Year 2004; Final Rule, 68 Fed. Reg. 41532, 41533, 41534 (July 14, 2003).

The current fee schedule is accessible from (<http://www.uspto.gov/main/howtofees.htm>).

If the fee paid is the amount shown on the "Notice of Allowance and Fee(s) Due" but not the correct amount in view of the fee increase, a "Notice of Pay Balance of Issue Fee" will be mailed to applicant. In order to avoid processing delays associated with mailing of a "Notice of Pay Balance of Issue Fee," if the response to the Notice of Allowance is to be filed on or after October 1, 2003 (or mailed with a certificate of mailing on or after October 1, 2003), the issue fee paid should be the fee that is required at the time the fee is paid. If the issue fee was previously paid, and the response to the "Notice of Allowance and Fee(s) Due" includes a request to apply a previously-paid issue fee to the issue fee now due, then the difference between the issue fee amount at the time the response is filed and the previously-paid issue fee should be paid. See Manual of Patent Examining Procedure, Section 1308.01 (Eighth Edition, August 2001).

Effective October 1, 2003, 37 CFR 1.18 is amended by revising paragraphs (a) through (c) to read as set forth below.

### Section 1.18 Patent post allowance (including issue) fees.

(a) Issue fee for issuing each original or reissue patent, except a design or plant patent:

By a small entity (Sec. 1.27(a))..... \$665.00

By other than a small entity..... \$1,330.00

(b) Issue fee for issuing a design patent:

By a small entity (Sec. 1.27(a))..... \$240.00

By other than a small entity..... \$480.00

(c) Issue fee for issuing a plant patent:

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By other than a small entity..... \$640.00

Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.





PTO/SB/08A (10-01)  
 Approved for use through 10/31/2002. OMB 0651-0031  
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 Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

Substitute for form 1449A/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (use as many sheets as necessary)		<i>Complete if Known</i>	
		Application Number	09/751,468
		Filing Date	December 29, 2000
		First Named Inventor	Stefanik
		Art Unit	2632
Examiner Name	Previl, Daniel		
Sheet 1 of 2	Attorney Docket Number	00337	

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 JUL 25 2003  
 Technology Center 2600

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code <sup>2</sup> (if known)			
DP		4,764,981	Aug 16, 1988	Miyahara et al.	
DP		5,898,398	Apr 27, 1999	Kumai	
DP		5,945,921	Aug 31, 1999	Seo et al.	
DP		5,949,351	Sep 07, 1999	Hahn	
DP		6,008,735	Dec 28, 1999	Chiloyan et al.	
DP		6,160,491	Dec 12, 2000	Kitao et al.	
DP		6,208,341 B1	Mar 27, 2001	van Ee et al.	
DP		6,407,779 B1	Jun 18, 2002	Herz	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>3</sup>
		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)				

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.



PTO/SB/08B (10-01)  
Approved for use through 10/31/2002. OMB 0651-0031  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE  
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Substitute for form 1449A/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (use as many sheets as necessary)  Sheet 2 of 2		<b>Complete if Known</b>	
		Application Number	09/751,468
		Filing Date	December 29, 2000
		First Named Inventor	Stefanik
		Art Unit	2632
		Examiner Name	Previl, Daniel
		Attorney Docket Number	00337 Technology Center 2600

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T <sup>2</sup>
DP		United States Patent Application No. 09/751,288 filed December 29, 2000. (Attorney Docket No. 00335)	
DP		United States Patent Application No. 09/751,343 filed December 29, 2000. (Attorney Docket No. 00336)	
DP		United States Patent Application No. 09/751,279 filed December 29, 2000. (Attorney Docket No. 00338)	
DP		United States Patent Application No. 09/751,280 filed December 29, 2000. (Attorney Docket No. 00339)	
DP		"Special Report", printed from <a href="http://www.remotecentral.com/ces2000/xantech.htm">http://www.remotecentral.com/ces2000/xantech.htm</a> on May 23, 2000.	
DP		"Wave' Home Automation," printed from <a href="http://www.remotecentral.com/ces2000/zilog.htm">http://www.remotecentral.com/ces2000/zilog.htm</a> on 5/23/00.	
DP		"Stargate-The Next Generation in Automation," printed from <a href="http://www.jdstechologies.com">http://www.jdstechologies.com</a> on 5/23/00.	
DP		Everett, D., "Smart Card Technology: Introduction to Smart Cards", Smart Card News, April, 1999.	
DP		"Philips Pronto Remote Control," printed from <a href="http://www.remotecentral.com/pronto/software.htm">http://www.remotecentral.com/pronto/software.htm</a> on 5/26/00	
DP		"Home Theater Master SL-9000," printed from <a href="http://www.remotecentral.com/s19000/index2.htm">http://www.remotecentral.com/s19000/index2.htm</a> on 5/22/00.	
Examiner Signature		Daniel Previl	Date Considered 8-13-02

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.



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United States Patent and Trademark Office  
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Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/751,468	12/29/2000	John R. Stefanik	00337	7168

7590 10/20/2003  
Jonathan C. Parks  
Kirkpatrick & Lockhart LLP  
535 Smithfield Street  
Henry W. Oliver Building  
Pittsburgh, PA 15222-2312

**RECEIVED**

OCT 22 2003

KIRKPATRICK & LOCKHART LLP

EXAMINER

PREVIL, DANIEL

ART UNIT

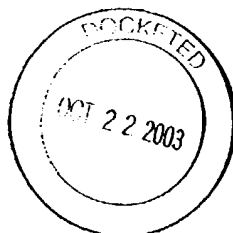
PAPER NUMBER

2636

DATE MAILED: 10/20/2003

*24*

Please find below and/or attached an Office communication concerning this application or proceeding.



# Notice of Allowability

SUPPLEMENTAL

Application No.

09/751,468

Examiner

Daniel Previl

Applicant(s)

STEFANIK, JOHN R.

Art Unit

2636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 6-13-2003.
2. ☒ The allowed claim(s) is/are 1-4, 12 renumbered as 1-5 respectively.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☒ CORRECTED DRAWINGS must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No. \_\_\_\_\_.
  - (b) ☒ including changes required by the proposed drawing correction filed 6-10-2003, which has been approved by the Examiner.
  - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet.

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

- 1 ☐ Notice of References Cited (PTO-892)
- 3 ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 5 ☐ Information Disclosure Statements (PTO-1449), Paper No. \_\_\_\_\_.
- 7 ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

- 2 ☐ Notice of Informal Patent Application (PTO-152)
- 4 ☐ Interview Summary (PTO-413), Paper No. \_\_\_\_\_.
- 6 ☐ Examiner's Amendment/Comment
- 8 ☐ Examiner's Statement of Reasons for Allowance
- 9 ☐ Other

JEFFERY HOFSSASS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

In re application of: John Stefanik

Application No.: 09/751,468

Filed: December 29, 2000

Group No. 2636

Examiner: D. Previl

Confirmation No. 7168

For: REMOTE CONTROL DEVICE WITH ILLUMINATION

Mail Stop: Issue Fee  
Commissioner for Patents  
P.O. Box: 1450  
Alexandria, VA 22313-1450

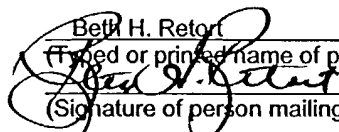
EXPRESS MAIL CERTIFICATE

"Express Mail" label number ER524412375US

Date of Deposit November 19, 2003

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PTO FORM-85B (In duplicate)  
CHECK PAYABLE TO PTO

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Beth H. Retort  
  
(Typed or printed name of person mailing paper or fee)  
(Signature of person mailing paper or fee)

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NOTE: The label number need not be placed in each page. It should, however, be placed on the first page of each separate document, such as, a new application, amendment, assignment, and transmittal letter for a fee, along with the certificate of mailing by "Express Mail." Although the label number may be on checks, such a practice is not required. In order not to deface formal drawings it is suggested that the label number be placed on the back of each formal drawing or the drawings be accompanied by a set of informal drawings on which the label number is placed.

(Express Mail Certificate [8-3])

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: John Stefanik

Application No.: 09/751,468  
Filed: December 29, 2000Group No. 2636  
Examiner: D. Previl  
Confirmation No. 7168

For: REMOTE CONTROL DEVICE WITH ILLUMINATION

Mail Stop: Issue Fee  
Commissioner for Patents  
P.O. Box: 1450  
Alexandria, VA 22313-1450

## TRANSMITTAL OF PAYMENT OF ISSUE FEE (37 C.F.R. 1.311)

1. Applicant hereby pays the issue fee for the attached Issue Fee Transmittal PTOL-85.

2. Fee (37 C.F.R. 1.18(a) and (b)):

Application status is:

☐ small business entity-fee

A small entity. See 37 C.F.R. § 1.27 (65 Fed.

Reg. 54603, September 8, 2000).

☐ Regular

\$665.00

☐ Design

\$240.00

☒ other than a small entity-fee☒ \$1,330.00☐ \$480.00

3. Payment of fee:

☒ Enclosed please find check for \$ 1,660.00 (Including Publication Fee).☒ Charge Account 11-1110 for any fee deficiency.☐ Charge Account \_\_\_\_\_ the sum of \$ \_\_\_\_\_.

A duplicate of this request is attached.

  
SIGNATURE OF ATTORNEY

Reg. No.: 40,120

Jonathan C. Parks

(type or print name of person certifying)

Kirkpatrick &amp; Lockhart LLP

Henry W. Oliver Building

535 Smithfield Street

Pittsburgh, PA 15222-2312

Tel. No.: (412) 355-6288

## CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. 1.8a)

I hereby certify that this correspondence is, on the date shown below, being:

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☐ deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

## FACSIMILE

☐ transmitted by facsimile to the patent and Trademark Office.

Date: \_\_\_\_\_

Signature \_\_\_\_\_

(type or print name of person certifying)

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Complete and send this form, together with applicable fee(s), to: **Mail Stop ISSUE FEE**  
**Commissioner for Patents**  
**Alexandria, Virginia 22313-1450**  
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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 4 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

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 7590 08/25/2003

Jonathan C. Parks  
 Kirkpatrick & Lockhart LLP  
 535 Smithfield Street  
 Henry W. Oliver Building  
 Pittsburgh, PA 15222-2312

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(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/751,468	12/29/2000	John R. Stefanik	00337	7168

TITLE OF INVENTION: REMOTE CONTROL DEVICE WITH ILLUMINATION

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1300 <b>1,330.</b>	\$300	<b>1,630.</b>	11/25/2003
EXAMINER	ART UNIT	CLASS-SUBCLASS			
PREVIL, DANIEL	2636	340-571000			

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.  
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1. Kirkpatrick &  
 Lockhart LLP  
 2. \_\_\_\_\_  
 3. \_\_\_\_\_

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. Inclusion of assignee data is only appropriate when an assignment has been previously submitted to the USPTO or is being submitted under separate cover. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

BellSouth Intellectual Property Corporation

Wilmington, DE 19801

Please check the appropriate assignee category or categories (will not be printed on the patent); ☐ individual ☒ corporation or other private group entity ☐ government

4a. The following fee(s) are enclosed:

- ☒ Issue Fee  
☒ Publication Fee  
☒ Advance Order - # of Copies 10

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☐ Payment by credit card. Form PTO-2038 is attached.  
☒ The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number 11-1110 (enclose an extra copy of this form).

Director for Patents is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.

(Authorized Signature)

(Date)

*[Signature]* 11/19/03  
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CURRENT CORRESPONDENCE ADDRESS (Note: Legibly mark-up with any corrections or use Block 1)  
 7590 08/25/2003

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(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/751,468	12/29/2000	John R. Stefanik	00337	7168

TITLE OF INVENTION: REMOTE CONTROL DEVICE WITH ILLUMINATION

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1300 1,330.	\$300	\$1600 1,630.	11/25/2003
EXAMINER	ART UNIT	CLASS-SUBCLASS			
PREVIL, DANIEL	2636	340-571000			

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).  
☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.  
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

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1 Kirkpatrick &  
 Lockhart LLP  
 2  
 3

## 3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

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(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

BellSouth Intellectual Property Corporation

Wilmington, DE 19801

Please check the appropriate assignee category or categories (will not be printed on the patent); ☐ individual ☒ corporation or other private group entity ☐ government

4a. The following fee(s) are enclosed:

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(Authorized Signature)

(Date)  
 11/19/03

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